

**Notice of Allowability**

Application No.

09/846,160

Examiner

Nelson D. Hernandez

Applicant(s)

FICHTNER, MARK R.

Art Unit

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on August 4, 2006.
2. ☒ The allowed claim(s) is/are 15, 17, 18, 20-22 and 25-27 (renumbered as 1-9).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/4/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**VIVEK SRIVASTAVA**  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on August 4, 2006 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on August 4, 2006 was filed after the mailing date of the Allowable Subject Matter on May 2, 2006. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Allowable Subject Matter***

3. **Claims 15, 17, 18, 20-22, 25-27 (renumbered as 1-9) are allowed.**
4. The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 15** (renumbered as 1), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in

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combination with the existing elements of the present claim as currently amended, a port driver of an operating system (OS) executed within the host system signaling when the imaging device is connected to the port of the host system, the port driver being associated with a type of the host system; an imaging device driver associated with the imaging device signaling the port driver upon successfully opening the imaging device; and the imaging device driver acquiring the image information from the imaging device via the port driver and forwarding the acquired image information to the application software.

**Regarding claim 17** (renumbered as 5), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended, a port driver of an operating system (OS) executed within the host system signaling when the imaging device is connected to the port of the host system, the port driver being associated with a type of the host system; an imaging device driver associated with the imaging device signaling the port driver upon successfully opening the imaging device; and the imaging device driver acquiring the image information from the imaging device via the port driver and forwarding the acquired image information to the application software.

**Regarding claim 18** (renumbered as 6), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently amended, a port driver of an operating system (OS) executed within the host system signaling when

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the imaging device is connected to the port of the host system, the port driver being associated with a type of the host system; an imaging device driver associated with the imaging device signaling the port driver upon successfully opening the imaging device; and the imaging device driver acquiring the image information from the imaging device via the port driver and forwarding the acquired image information to the application software.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez  
Examiner  
Art Unit 2622

NDHH  
August 30, 2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER